

to discussions concerning changes in the end.

I would also make the observation that it is time for all of us to agree that this is not about President Bush. Whether you hate him or love him or don't have any feelings about him at all, that is not the issue here. We are talking about the security of our Nation, the safety of our people, the men, women, children, grandchildren we encounter in our districts at Little League games, Girl Scout meetings, and our town halls. Those who send us here to represent them are depending on us to protect their lives and the lives of their children. This is the context within which we must consider this ultimate matter of our responsibility.

While the law we passed in August, the Protect America Act, represents a major step forward in protecting the American people, there remain elements of the larger package unveiled by Admiral McConnell and General Hayden which should receive our prompt attention.

First and foremost, it is imperative for this body to extend liability protection to companies who responded to the entreaties of their government since the 9/11 attacks. That is why I am so disappointed when I appeared before the Rules Committee earlier today and we were told, as we walked in, as anybody walked in with an amendment, We will listen to you, but we have already decided it is going to be a closed rule. One of the amendments offered would have given this liability protection. At a time when our country was in peril, these companies responded to the call for help. In an earlier era, maybe in a simpler time, this might have been described as patriotism. But now, instead of kudos, what do they get? They receive a summons and a complaint. They were met by costly litigation because of their willingness to respond to our country in a time of need.

When we brought the issue up in our Judiciary Committee, one of the members on the other side of the aisle said, Well, these companies have millions dollars' worth of lawyers so they can defend themselves. Boy, that is the way we ought to do things. We are going to fight the war on terror with summonses and warrants.

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We are going to sue them out of existence. Oh, I'm sorry. We are not suing the terrorists; we are suing the companies who helped us respond to the terrorists. Figure that one out.

Mr. Speaker, I would go so far as to suggest that regardless of what you think of the war in Iraq, regardless of what you may think of the war on terror, this violates all notions of fundamental fairness. It sends the worst possible message, not only to companies, but to the American public itself, that those who would come to the aid of their country are fools, and it is those

on such an ideological crusade seeking to protect this Nation through lawsuits that are somehow the true American heroes. Rosy the Riveter of World War II fame has been replaced by lawyers in three-piece suits.

Some of you may be old enough to remember the standard text used in our typing classes. We would practice over and over again. Boy, I recall this, typing out the following sentence: Now is the time for all good men to come to the aid of their country. Of course it would have been better stated that: Now is the time for all good men and women to come to the aid of their country.

This was an ethos which went unchallenged. Believe me, in typing classes it wasn't a Republican idea, it wasn't a Democratic idea, it was an American idea, so noncontroversial, that it was standard text: Now is the time for all good men and women to come to the aid of their country.

Mr. Speaker, we must not send a message to our companies and the American people that if you respond to your government when our fellow citizens are threatened by a cataclysmic attack that the very government which sought your help will not be there for you when the ideologues come after you with lawsuits.

Even if you hate this President so much you can't see him to succeed in anything, at least consider the possibility that there will be a war down the line that you may support. Furthermore, those who drive around with 1/20/09 bumper stickers need to consider the fact that maybe, possibly there could be a new occupant in the White House more to their liking. He or she is going to need all the help that he or she can get.

Mr. Speaker, the war on terror is not going to end with the term of the current President. The new administration is going to need to call on the help of all Americans, including companies like those whose only offense was to respond to the tragedy of 9/11. By what? Serving their government.

Consider the additional downside of using litigation as an ideological weapon. As anyone who picks up the daily newspaper knows, there is always a story concerning the latest lawsuits. The litigation system can produce leaks of the most sensitive information. It is not the dissemination of information to the public which is even our principal concern. Rather, potential leaks of sensitive information to terrorists will better equip them with the ability to maneuver in the plan which they are committed to doing, killing innocent Americans.

Unfortunately, H.R. 3773, to be considered on this floor, the so-called RESTORE Act that we passed out of Judiciary Committee last week and passed out of the Intelligence Committee, and which is scheduled for floor action as early as tomorrow, fails to address this issue. It does nothing, zero, provides no protection for the companies who came

to the aid of our Nation after 9/11. As a matter of fact, if you listen to what happened in the Rules Committee, if you heard the debate in the Judiciary Committee, I presume if you heard the debate in the Intelligence Committee, you would not consider these companies to be something valuable in the defense of our Nation. They are suspect. They are questioned. They are, in essence, patsies, if you really look at this.

Mr. Speaker, the Protect America Act does not contain retroactive liability protection; not because we didn't believe in it, but because Admiral McConnell agreed to delay discussion on the agreement in order to reach an agreement on the law we passed in August to enable us to close the critical gaps in our Nation's intelligence-gathering ability prior to the August break. Since by its own terms that law was to expire February 5, this was an issue to be resolved at this time.

Unfortunately, the RESTORE Act resolves it by ignoring it. It is, therefore, essential for this body to take the necessary action to ensure that those who responded to the call for help after 9/11 will not be fed to the litigators.

Mr. Speaker, I would be pleased to yield to my friend from New Mexico (Mrs. WILSON), a member of the Intelligence Committee, a former member of our military forces, and someone who has been probably the most articulate in explaining the need for the changes in the law that we passed in August and for making that permanent as we go forward.

Mrs. WILSON of New Mexico. Mr. Speaker, I thank my colleague from California. I very much appreciate his hosting this Special Order this evening.

Mr. Speaker, before the August break we fixed a problem. It was a problem that grew worse over the course of this year in that we were increasingly hampered in our ability to prevent another terrorist attack on this country because of the change in telecommunications and a law that was woefully outdated.

It's called the Foreign Intelligence Surveillance Act. It was put in place in 1978 to protect the civil liberties of Americans. Think about it. 1978 was the year that I graduated from high school. The telephone hung on the wall in the kitchen. Cell phones had not been invented. The word "Internet" did not even exist. Technology has changed since 1978, and the law had not kept pace.

In 1978, almost all long-haul communications went over the air. Almost all international communications went over the air, and they were explicitly exempted from the provisions of the Foreign Intelligence Surveillance Act. Our intelligence community folks would go ahead and collect those communications if they had foreign intelligence value. They minimized or suppressed any involvement of Americans who were innocent and just happened to be referred to in a conversation or